

Application No.: 10/584,426
Filing Date: May 23, 2007

REMARKS

In response to the Final Office Action mailed March 18, 2009, the Applicant respectfully requests the Examiner to reconsider the above-captioned Application in view of the foregoing amendments and the following remarks.

Summary of the Office Action

In the March 18, 2009 Final Office Action, Claims 1-13 stand rejected. First, Claims 1-11 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,068,479 issued to Kwan (hereinafter "Kwan"). Next, Claims 12-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kwan in view of U.S. Patent No. 5,888,218 issued to Folsom (hereinafter "Folsom"). In addition, Claims 1-13 stand rejected under 35 U.S.C. 112, first and second paragraphs. Furthermore, the specification and drawings stand objected to for minor informalities.

Summary of the Amendment

Upon entry of this amendment, Applicant will have amended Claims 1-2 and added new Claims 14-19. Accordingly, Claims 1-19 are currently pending in the present Application. By this amendment, the Applicant responds to the Examiner's comments and rejections made in the May 29, 2008 Office Action. Applicant respectfully submits that the present Application is in condition for allowance.

In re Objection to the Specification

In the Office Action, the specification is objected to on the stated grounds that the abstract of the disclosure does not commence on a separate sheet. Accordingly, Applicant has presented the amended abstract of the disclosure, as requested, on a separate sheet, apart from any other text in the Appendix. Therefore, Applicant believes that the present objection is now moot, and respectfully requests the Examiner to withdraw the present objection.

In re Objection to Drawings

In the Office Action, the drawings were objected on the stated grounds that "it is not clear where reference numeral 2 is referring to or pointed to in figure 1. It appears that numerals 2 and 10a are pointing to the same element." See Office Action, page 2. Applicant has carefully reviewed the Examiner's comments and respectfully submits that reference numeral 2 properly indicates the spacer members, as described in the present Application. In particular, paragraph [0013] indicates that,

Spacer members connected to the implant are indicated by 2. Parts of a carbon fiber bridge are shown by 3. The bridge or equivalent is anchored to two or more implants according to FIG. 1. Only one implant with associated spacer member is shown in FIG. 1, since the different implants and spacer members can have the same or essentially the same structures. . . . The spacer member of the respective implant can comprise a first sleeve-shaped part 9 and a second sleeve-shaped part 10. The first sleeve-shaped part can have grooves 9a. The second sleeve-shaped part has a first part 10a and a second part 10b. The first part 10a has the form of a sleeve which can be engaged over the first sleeve-shaped part 9. The sleeve-shaped part 10a thus encloses the grooves 9a. On its outside, the second sleeve-shaped part has an inclined outer surface 10c. The first sleeve-shaped part 9 has a low height and, in the state shown in FIG. 1, is substantially level with the top surface 6a of the epithelium 6 at the spacer member.

Present Application, ¶ [0013] (emphasis added).

Accordingly, as illustrated at right in partial view of Figure 1 of the present Application, reference numeral 2 is spaced apart from the first sleeve-shaped part 9 and the second sleeve-shaped part 10 and points to both of the parts 9, 10 in order to refer to the parts 9, 10 collectively.

Accordingly, Applicant respectfully submits that reference numeral 2 clearly refers to or points to the parts 9, 10, as supported by and referred to in the specification. Therefore, Applicant respectfully requests that the objection to the drawings be withdrawn.

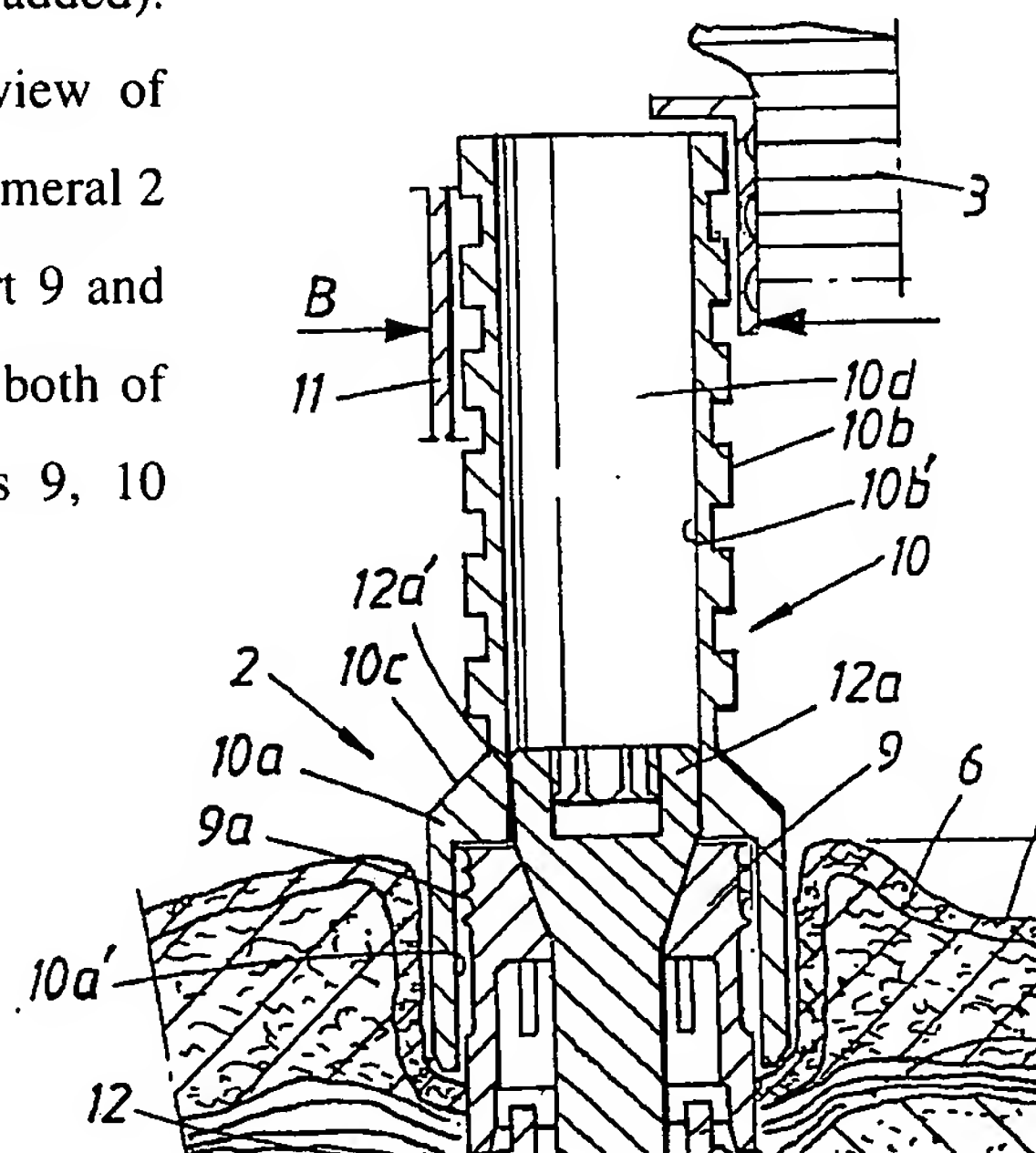


Figure 1

Application No.: 10/584,426
Filing Date: May 23, 2007

In re Rejection under 35 U.S.C. § 112, First Paragraph

In the Office Action, Claims 1-13 stand rejected under Section 112, first paragraph on the stated grounds that no support can be found for the limitation “the second sleeve-shaped part having a width that is less than a width of the first sleeve-shaped part.” Applicant respectfully traverses this rejection and submits that the specification provides support for such a limitation. However, Applicant has deleted this language from Claims 1 and 2, and therefore submits that the present rejection is now moot. Accordingly, Applicant respectfully requests that the present rejection be withdrawn.

In re Rejection under 35 U.S.C. § 112, Second Paragraph

In the Office Action, Claims 1-13 stand rejected under Section 112, second paragraph on the stated grounds that the language of Claim 1, “its” and “upon separation of the bridge from the dental implant, separating the first and second sleeve-shaped parts so the first sleeve-shaped part maintains its position on the dental implant and a second sleeve-shaped part follows along with the bridge or comprises a free part,” is unclear. Applicant respectfully traverses this rejection and respectfully submits that this language is not unclear. However, in order to expedite allowance of the present Application, Applicant has amended Claim 1 as requested by the Examiner. Thus, Applicant submits that the present rejection is now moot and respectfully requests that the present rejection be withdrawn.

In re Rejection under 35 U.S.C. § 102(b)

In the Office Action, Claims 1-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kwan. While Applicant reserves the right to prosecute these claims as originally filed, Applicant has amended Claims 1 and 2 in order to expedite prosecution of this Application. Accordingly, Applicant respectfully requests that the rejection of Claims 1 and 2, as well as Claims 3-11 be withdrawn and that these claims be indicated as allowable over the art of record.

Kwan is related to a dental implant assembly containing an integral dental implant, which is said to have an abutment integrally joined to an implant fixture. *See* Kwan, Abstract. The abutment contains a top section, a bottom section integrally joined to the top section, and an orifice extending through a portion of the top section. *See id.* The top section has a cross

sectional shape substantially like a polygon which is formed by alternating linear and arcuate walls. *See id.*

Figure 17 of the Kwan reference is shown at right and illustrates an exploded view of the Kwan implant assembly. With reference to Figure 17, the Kwan implant assembly includes a gold coping 210 that is used to interconnect the tooth 270 to the abutment 10. *See id.* at col. 10. The abutment 10 is fastened to the implant 114 using the first screw 130.

With continued reference to Figure 17 of Kwan, after the abutment 10 is fastened to the implant 114 using the first screw 130, the gold coping 210 is placed on the abutment 10 and fastened in place using the second screw 272. As best understood from Figures 14 and 15 of Kwan (shown below), as well as Figure 17, the first screw 130 is used only to fasten the abutment 10 to the implant 114 and is not used to fasten the gold coping 210 to the abutment 10. Indeed, it appears that the second screw 272 is solely responsible for securing the gold coping 210 to the abutment 10. *See also* Kwan, col. 12, lines 5-17.

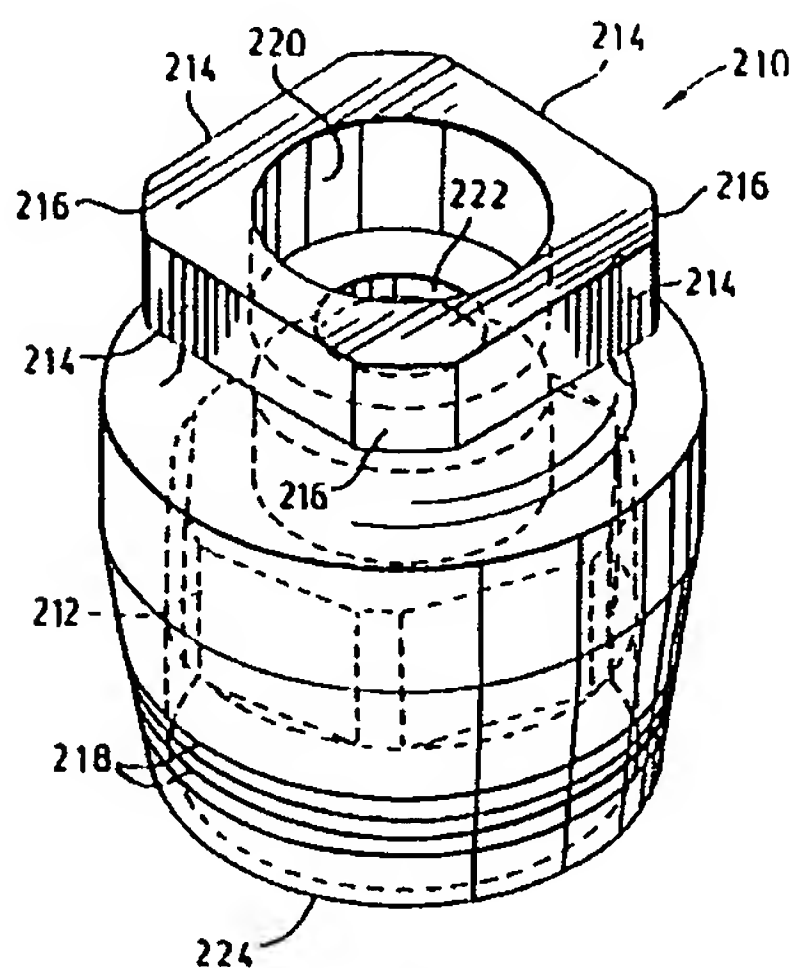
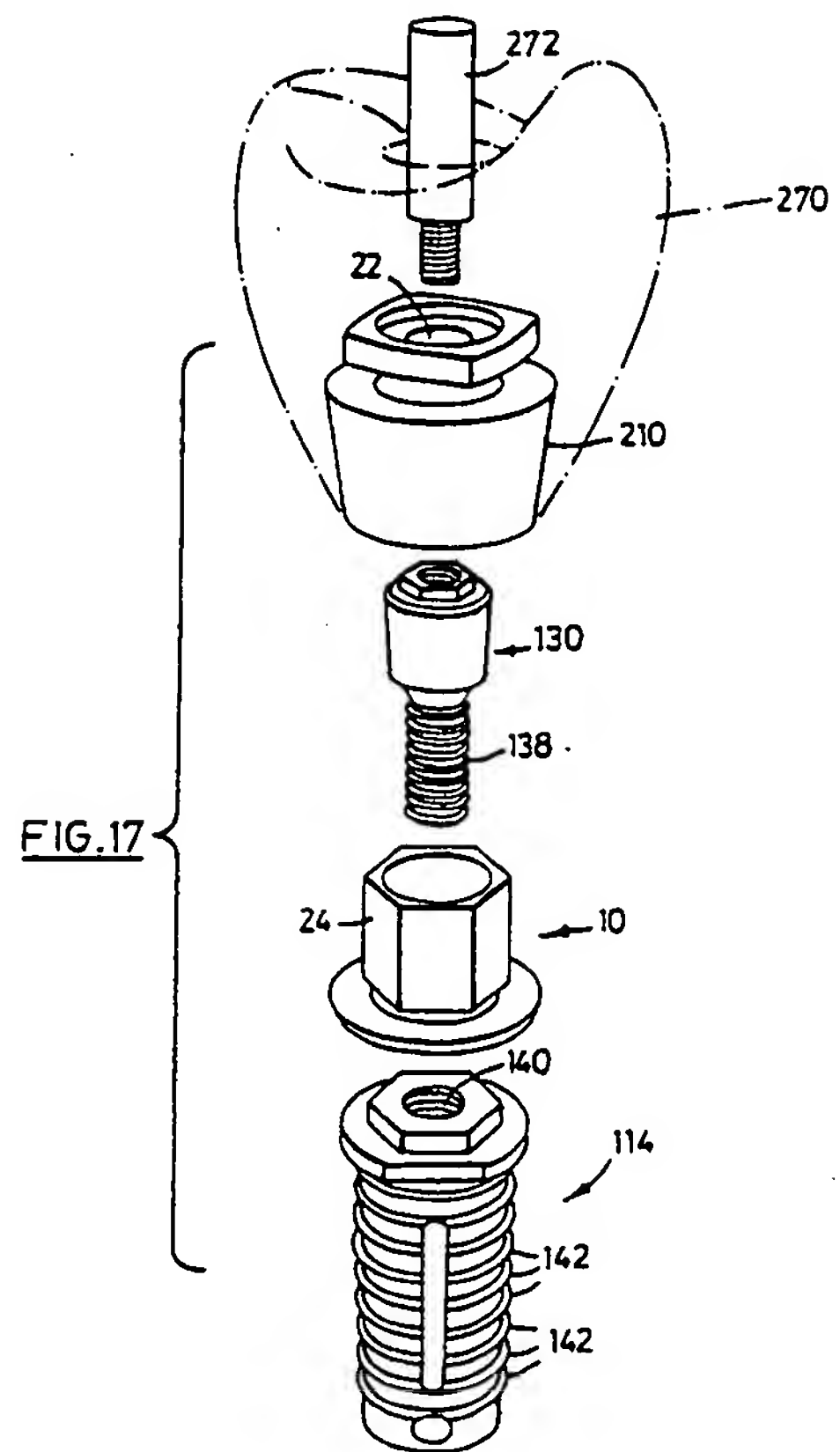


FIG. 14

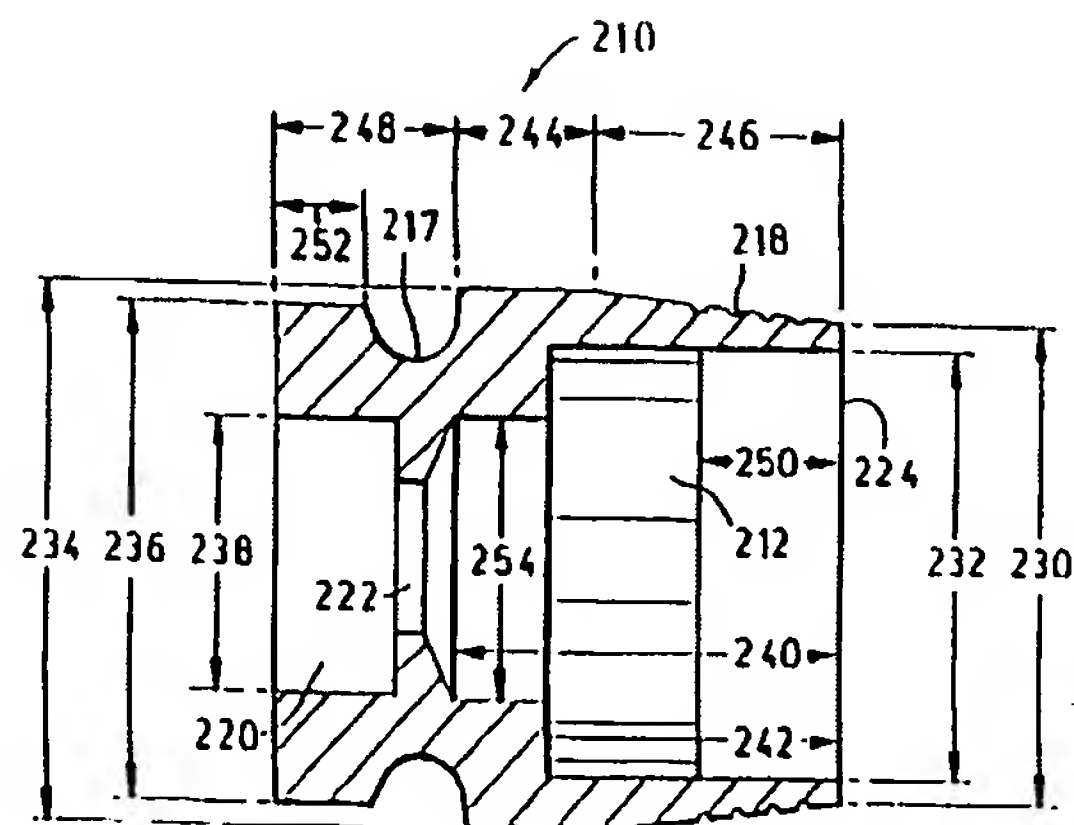


FIG. 15

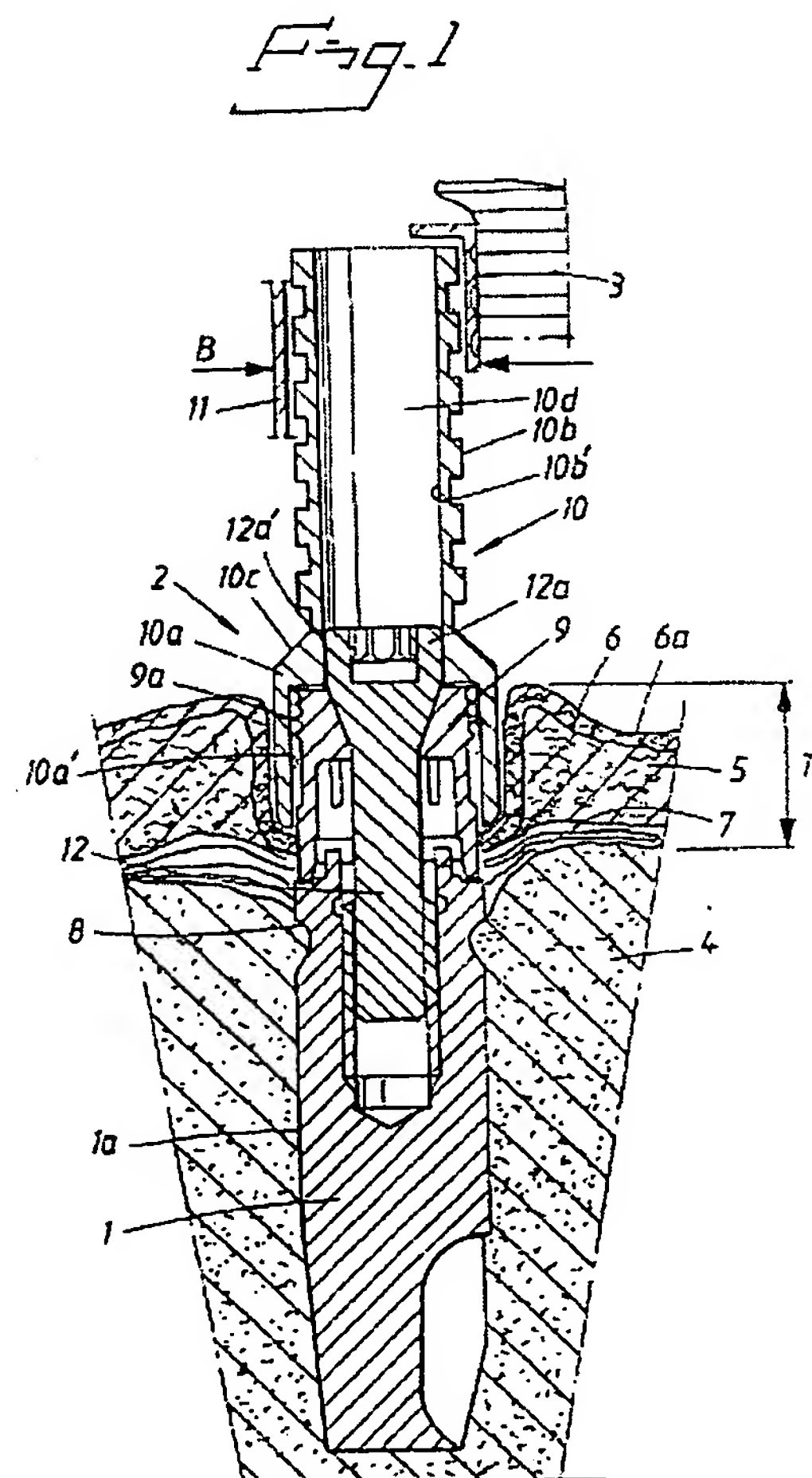
In contrast, Claim 1 recites, *inter alia*, a method for orienting a bridge in position relative to a dental implant with the aid of a spacer member comprising the step of “rotating the screw to expand at least a portion of the first sleeve-shaped part such that the outer surface of the first sleeve-shaped part expands against the inner surface of the first portion of the second sleeve-shaped part to secure the second sleeve-shaped part to the first sleeve-shaped part.”

Additionally, Claim 2 also recites, *inter alia*, an arrangement for orienting a bridge in position relative to a dental implant which comprises a spacer member having first and second sleeve-shaped parts configured with:

the first sleeve-shaped part being attachable to the dental implant using a screw, the screw being rotatable to cause expansion of at least a portion of the first sleeve-shaped part, . . . wherein the outer surface of the first sleeve-shaped part is expanded against the inner surface of the second sleeve-shaped part upon expansion of the at least a portion of the first-sleeve shaped part for securing the second sleeve-shaped part to the first sleeve-shaped part.”

Figure 2 of the Applicant's Application, shown at right, illustrates an embodiment within the scope of Claims 1 and 2. The illustrated embodiment is configured with “expansion of the at least a portion of the first-sleeve shaped part for securing the second sleeve-shaped part to the first sleeve-shaped part.” As shown, the head 12a of the screw 12 contacts the first sleeve-shaped part 9 to cause it to expand outwardly while the second sleeve-shaped part 10 is fitted on top of the first sleeve-shaped part 9. In this manner, the outer surface of the first sleeve-shaped part is expanded against the inner surface of the second sleeve-shaped part to secure the second sleeve-shaped part to the first sleeve-shaped part.

The unique structure noted above provides advantages such as reducing the number of parts in the assembly or arrangement, as well as narrowing



Application No.: 10/584,426
Filing Date: May 23, 2007

the size of the second sleeve-shaped part. *See* Applicant's Application Publication, ¶ 13; *see also id.* at ¶ 15. Instead of requiring two screws, as in Kwan, embodiments of the present Application need only a single screw. Whereas Kwan requires that the first screw 130 be large enough in diameter to allow threaded attachment of the second screw 272 thereto, the embodiment of the present Application shown above in Claim 1 only requires a single screw.

Furthermore, Applicant respectfully submits that Kwan provides no disclosure or teaching related to the above-noted issues. Instead, Kwan teaches the use of two screw for attaching the abutment and gold coping to the implant.

Accordingly, Applicant respectfully requests that the Examiner withdraw his rejection of Claims 1-10 under Section 102(b) and indicate that these claims are allowable over the art of record.

In re Rejection under 35 U.S.C. § 103(a)

In the Office Action, Claims 12-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kwan in view of Folsom. Applicant respectfully traverses this rejection and submits that these claims are allowable at least based on their own merit, as well as for the reason that these claims depend from an allowable independent claim. Accordingly, Applicant respectfully requests that Claims 12-13 be allowed.

New Claims 14-19

Applicant hereby submits new Claims 14-19 for consideration. These claims are believed to be allowable at least based on their own merit, as well as for the reason that these claims depend from an allowable independent baseline. Accordingly, Applicant respectfully requests that new Claims 14-19 be allowed.

No Disclaimers or Disavowals

Although the present communication may include alterations to the Application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this Application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution

Application No.: 10/584,426
Filing Date: May 23, 2007

of this Application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present Application.

CONCLUSION

Applicant respectfully submits that the above rejections and objections have been overcome and that the present Application is now in condition for allowance. Therefore, the Applicant respectfully requests that the Examiner indicate that Claims 1-19 are now acceptable and allowed. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully submits that the claims are in condition for allowance in view of the above remarks. Any remarks in support of patentability of one claim, however, should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present Application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the Applicant's attorney in order to resolve such issue promptly.

Application No.: 10/584,426
Filing Date: May 23, 2007

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 16, 2009

By: /Nathan S. Smith/

Nathan S. Smith

Registration No. 53,615

Attorney of Record

Customer No. 20995

(949) 760-0404

6906545
033109

Application No.: 10/584,426
Filing Date: May 23, 2007

APPENDIX